

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (LODGING) NO. 1659 OF 2015**

M/s. Venus Enterprises	...Petitioner
Versus	
Municipal Corporation of Greater Mumbai & Anr.	...Respondents

Ms. Anjali Awasthi for the Petitioner

Mr. Vinod Mahadik for the Respondents

CORAM : A. S. OKA AND
REVATI MOHITE DERE, JJ.

TUESDAY, 9th JUNE, 2015

P.C. :

1. Not on Board. Taken on Board.

2. Learned Counsel appearing for the petitioner, on instructions, states that the petitioner wants to apply for regularization of the structure, subject matter of the impugned notice. Learned Counsel appearing for the Municipal Corporation seeks time to take instructions whether the said structure is in existence or whether the same is removed.

3. At this stage, the learned Counsel appearing for the Municipal Corporation states that the structure subject matter of the notice has not been removed. On instructions, he states that structure of another shed has been removed.

4. The very fact that the petitioner has shown willingness to apply for regularization, clearly proves that the structure subject matter of the notice dated 13th January, 2015, the order dated 3rd March, 2015 and the order dated 16th April, 2015 has been erected without obtaining permission of the Competent Authority.

5. Hence, we dispose of the petition by passing the following order:

ORDER

(i) It will be open for the petitioner to apply for regularization of the structure subject matter of the impugned notice and orders in prescribed form through a licensed Architect within a period of four weeks from today;

(ii) If such application is made within a period of four weeks from today, the concerned Authority of the first respondent shall decide the same within a period of two months from the date of filing of the application. Order passed on the application be communicated to the petitioner or to the licensed architect of the petitioner;

(iii) Till the date of communication of the order to the petitioner or to his licensed architect, whichever is earlier, no action shall be taken on the basis of the impugned notice and impugned orders, subject to condition of the petitioner maintaining status-quo as of today in all respects in respect of the structure in question. In the event, the order be adverse to the petitioner, the said protection shall continue to operate for a period of four weeks from the date on which the order is communicated to the petitioner or the petitioner's architect, whichever is earlier;

(iv) We make it clear that on failure of the petitioner to make an application for regularization within the stipulated period, it will

be open for the respondents to take action of demolition on the basis of the impugned notice and impugned orders.

(v) All contentions on merits of the application for regularization are kept open.

6. Petition is disposed of on above terms.

(REVATI MOHITE DERE, J.)

(A. S. OKA, J.)